

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Docket No. 4:19-cv-40050-TSH

JOHN DOE,	)
	)
Plaintiff	)
	)
v.	)
	)
CLARK UNIVERSITY, DAVID P. ANGEL,	)
Ph.D., NADJA JOHNSON, Ph.D., LYNN S.	)
LEVEY, ADAM J. KEYES, HOLLY DOLAN,	)
EVETTE WALTERS, JEFFREY McMASTER,	)
CHERILYN BONIN, JANE SMITH, and	)
DAVIS BAIRD, PROVOST.	)
	)
Defendants	)

PLAINTIFF’S MOTION TO EXTEND TIME FOR COMPLETION OF FACT DISCOVERY  
BY TWO DAYS TO ALLOW TIME FOR FURTHER CONSULTATION ON DISCOVERY  
ISSUES AND POSSIBLE FILING OF MOTIONS TO COMPEL  
[Fed. R. Civ. P. 6(b)(1)(A)]

Now comes the Plaintiff he respectfully requests this Honorable Court to extend the time allowed for fact discovery in this matter by two days, through March 31, 2021, so that counsel may complete consultation on discovery issues and to allow filing of motions to compel on any unresolved issues.

As reason therefore plaintiff states that beginning in mid-November of 2020 counsel for the parties consulted in good faith to try to resolve or narrow differences over responses to plaintiff’s discovery by defendants Smith and Clark University, but at this time consultation has not been completed and plaintiff believes further narrowing or perhaps resolution of disputes may be achieved with further consultation.

Plaintiff does not suggest that the need for this extension is the result of any delay or failure to consult by an opposing party; rather, the complexity and unfamiliarity of some of the

issues to his undersigned counsel have delayed formulation of changes in Plaintiff's positions in order to narrow or resolve differences.

A motion to compel filed after the close of discovery (March 29, 2021, in this matter; Docket No. 68) is untimely and is subject to denial solely on that basis at the discretion of the Court. *Burgos-Martinez v. City of Worcester*, 345 F.Supp. 3d 105 (D.Mass. 2018). Here, plaintiff seeks the two-day extension so that any unresolved discovery issues may be resolved on the merits. He submits this will prejudice no party and is in the interests of justice. The deadline for dispositive motions is August 27, 2021 [68]. Plaintiff will not be bringing expert testimony in his case.

WHEREFORE, Plaintiff respectfully requests that the motion be allowed and that the time for discovery be extended through March 31, 2021 from March 29, 2021.

Respectfully submitted,

Plaintiff, John Doe  
By his Attorneys,

/s/ Robert A. Scott  
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DATED: March 29, 2021

#### CERTIFICATE PURSUANT TO LOCAL RULE 7.1 CONSULTATION

I, Robert A. Scott, circulated a draft of the within motion to opposing counsel at 4:44 PM this March 29, 2021, but as of the time of filing did not receive information as to assent from either party. I will advise the Court upon receipt of any assent.

/s/ Robert A. Scott